

REMARKS

Claims 22-25, 28-30 and 34 have been canceled without prejudice. New claims 35-38 have been added that depend from independent claim 21. Support for the new claims can be found throughout the specification. No new matter has been added. Claims 21, 33 and 35-38 are pending.

Claims 21 and 33 have been rejected under the judicially-created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent No. 6,742,535. A Terminal Disclaimer addressing this rejection along with the required fee is enclosed to overcome this rejection.

Applicants believe claims 21, 26, 27, 31, 32, and 33 are in condition for allowance.

Applicant note that the Examiner has continued to deem claims 22-32 and 34 as pending at the time of the Office Action as withdrawn, stating that

Applicant states that an un-numbered lip adjacent to bearing 75 in Figure 1 "can seal the apparatus onto an orifice of a fluid system by reducing pressure in the system or form a seal with the cooling system when reduced pressure is applied, in situations where the orifice and lip have the similar size." This "wishful sealing" is clearly not disclosed. In Figure 1, sealing clearly is accomplished by compression of sleeve 60 which expands sleeve 60 outwardly into sealing engagement with an orifice in which sleeve 60 is located. Claims 22 and 28 are drawn to the non-elected species of Figures 5-6B in which sealing is accomplished by pressure differential (see page 10, lines 10-11 herein which states, "The seal can be improved by applying reduced pressure to the upper reduced pressure port 25."). (page 3 of the Office Action).

Applicants reserve the right to pursue the claims canceled in this Reply in a future divisional application. Nevertheless, Applicants disagree with the position taken by the examiner to withdraw the subject matter of claims 22-32 and 34 as pending at the time of the Office Action. Indeed, the Examiner appears to be attempting to limit the scope of the claims to the exemplified embodiments, which is not proper. The subject matter of the claims is adequately described by the specification under 35 U.S.C. § 112.

Despite the fact that Figure 1 and Figures 5-6B do not individually show a sealing member having a lip that seals onto an orifice when reduced pressure is applied, a person of skill in the art reading the teachings of the specification would understand that the sealing member exemplified in Figures 1 and 5-6B can each form a "seal by applying reduced pressure to [a] reduced pressure." See page 10, lines 10-11 of the specification. Indeed, embodiments including a lip are described at page 10, lines 28-32 of the specification. Rather than being "wishful sealing," Applicants have fully described and enabled such embodiments, and continue to believe that the subject matter of the withdrawn claims should be rejoined. Applicants also wish to remind the Examiner that it has always been the Applicants position that claims 21-34 read on the species elected for examination. Applicants respectfully request that the Examiner provide Applicants with the ability to rejoin claims 22-25, 28-30 and 34 if it is decided that the withdrawal of these claims from consideration in this application was in error.

Applicants believe all claims should be allowed. Please apply any other charges or credits to deposit account 19-4293.

Respectfully submitted,

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